

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 149 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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SHASHIKANT ALIAS SURESHCHANDRA KANJI

Versus

RAJESHBHAI B MASANI & 1

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Appearance:

MR H.C. BUCH FOR MR ND NANAVATI for Petitioners  
MR DAGLI FOR MR YOGESH S LAKHANI for Res. No. 1  
SERVED BY AFFIX.(N) for Respondent No. 2

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CORAM : MR.JUSTICE J.R.VORA

Date of decision: 14/11/2000

ORAL JUDGEMENT

1. This Appeal From Order arises from the order of  
the Trial Court passed below Exh.5 in Special Civil No.  
67 of 1993. The present appellants were defendants No.1

and 3, present respondent No.1 was plaintiff and present respondent No.2 was defendant No.2. Since the suit was for the recovery of money, vide Exh.5, attachment before

judgment was sought by the plaintiff, which was initially granted by the trial court and the Exh.5 came to be allowed vide Order dated 16th March, 1995. Being aggrieved, defendants No.1 and 3 have preferred this Appeal.

2. Learned Advocate Mr.H.C.Buch for the appellants on behalf of Mr.N.D.Nanavati and learned Advocate Mr.Dagli for Mr.Y.S. Lakhani for respondent No.1 i.e. original plaintiff are present.

3. Both the sides have come to consensus terms and accordingly this Appeal is disposed of with the following order :

" Trial Court is directed to dispose of Special Civil Suit No. 67 of 1993 within three months from the date of receipt of the writ of this court or producing of certified copy of the order before the Trial Court by any of the parties, whichever is earlier. Office is directed to transmit writ forthwith not later than a week's time. In the meanwhile, i.e. till the disposal of the suit, the interim relief granted by this Court on 25th of April, 1995, in Civil Application No.1640 of 1995, shall remain in force."

4. Learned Advocate Mr. H.C.Buch for the appellants i.e. original defendants No. 1 and 3 makes a statement

that the property which was sought to be attached in the suit, shall not be transferred, assigned or part with the possession by defendants No. 1 and 3. His statement is recorded.

5. In the result, this Appeal From Order stands disposed of with no order as to costs.

(J.R. Vora, J.)

p.n.nair